

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIVIAN BURNS,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

Case No. C20-1555RSM

MINUTE ORDER

The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, United States District Judge: This case has been closed since November of last year. On January 25, 2022, the Court stated it “will not consider further memoranda or declarations filed in this case that attempt to argue the merits of [Plaintiff’s] dismissed claims.” Dkt. #61 at 2. The Court has denied Rule 59 and Rule 60 motions and a motion for reconsideration filed by Plaintiff. Dkts. #57 and #64. On March 3, 2022, the Court struck Plaintiff’s “2nd Motion for Substantive Due Process and Evidentiary Hearing” as duplicative. Dkt. #66. In that Minute Order, the Court stated it “will continue to strike further filings in this case that attempt to argue the merits of Plaintiff’s dismissed claims or which seek relief that has

1 already been denied.” On March 10, 2022, the Court struck Plaintiff’s “Motion for Declaratory
2 Judgment” via Minute Order. Dkt. #70. That Minute Order stated:

3 Declaratory judgment is not available in this closed case. Plaintiff
4 cites to no rule or law permitting her to seek declaratory judgment
5 given the procedural history of this case. Plaintiff’s Motion instead
6 is phrased as a series of questions to the Court about its prior rulings,
7 available post-judgment relief, and discovery issues. The Court
8 cannot provide legal advice and has no obligation to answer these
9 questions. To the extent Plaintiff is seeking relief under Rules 59 or
10 60 that has already been denied, such request is duplicative.

11 Dkt. #70. The Court warned that “future filings presented for an improper purpose or with
12 frivolous legal contentions may result in sanctions under Federal Rule of Civil Procedure 11.”

13 On March 18, 2022, the Court received a “Complaint” from Plaintiff with the case number
14 C20-1555 RSM in the caption. It was initially unclear if Plaintiff was seeking to open a new
15 case. Further review indicated that this was a “complaint” to the Court about issues in the instant
16 case. The filing sought recusal of Chief Judge Martinez in this or perhaps a future case filed by
17 Plaintiff. Plaintiff reargued the merits of her claims and prior discovery issues. Plaintiff did not
18 cite to any law or rules permitting her requested relief in a closed case. The Court, by Minute
19 Order, struck the “Complaint” as moot. Dkt. #72.

20 On March 31, 2022, Plaintiff filed a “Motion to Vacate Void Judgment for Lack of
21 Subject Matter Jurisdiction and Personal Jurisdiction.” Dkt. #73. The Court found the filing
22 frivolous, untimely, and moot, and struck it via Minute Order. Dkt. #74.

23 Now, six months later, Ms. Burns has filed a 16-page “Motion to Show Cause Why
24 Defendant Should Have Summary Judgment Contrary to Law.” Dkt. #75. Ms. Burns addresses
25 the merits of her case, repeats previously made arguments, and raises alleged rule-violations that
26 are frivolous, untimely, and moot. She cites no valid basis for obtaining her requested relief in a
27 closed case.
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1 Given all of the above, the Court STRIKES this filing, Dkt #75, as duplicative of prior
2 filings, procedurally improper, untimely, and moot. The Court will continue to strike any filing
3 by Ms. Burns that attempts to argue the merits of her dismissed claims or which seeks relief that
4 has already been denied.
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7 DATED this 26th day of September, 2022.

8 RAVI SUBRAMANIAN, Clerk

9 By: /s/ Serge Bodnarchuk
10 Deputy Clerk
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